

10/549965

JC17 Rec'd PCT/PTO 16 SEP 2005

Rev 9/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : SOLOMON R. EISENBERG ET AL.  
Filed : HEREWITH  
For : MAGNETIC STIMULATOR  
Attorney's Docket : BU-118XX

~~I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on \_\_\_\_\_.~~

~~By: \_\_\_\_\_~~

~~Registration No.  
Attorney for Applicant(s)~~

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

(1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

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- [ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The art was cited in PCT International Search Report (copy enclosed) mailed September 17, 2004 in International Application No. PCT/US04/08007 filed March 16, 2004. Copies of the art have been transmitted by the International Bureau.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

SOLOMON R. EISENBERG ET AL.

By:

  
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9-16-05

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Enclosure

Date: September 16, 2005

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|---|--|---|-----------------|
| (REV. 05/03)  | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO.                          | APPLICATION NO. |
|   |  | BU-118XX                                  | 10/549965       |
| INFORMATION DISCLOSURE CITATION<br><i>(Use several sheets if necessary)</i> |  | APPLICANT:<br>Solomon R. Eisenberg et al. |                 |
|   |  | FILING DATE<br>HEREWITH                   | TC ART UNIT     |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | PUBLICATION/ ISSUE DATE | NAME            | CLASS | SUBCLASS | FILING DATE |
|------------------|-----------------|-------------------------|-----------------|-------|----------|-------------|
|                  | US 5,738,625*   | 4/14/98                 | Gluck           | 600   | 9        |             |
|                  | US 6,402,678*   | 6/11/02                 | Fischell et al. | 600   | 13       |             |
|                  | US 5,441,495*   | 8/15/95                 | Liboff et al.   | 600   | 9        |             |
|                  | US              |                         |                 |       |          |             |
|                  | US              |                         |                 |       |          |             |
|                  | US              |                         |                 |       |          |             |
|                  | US              |                         |                 |       |          |             |

## FOREIGN PATENT DOCUMENTS

|  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES      NO |
|--|-----------------|------|---------|-------|----------|----------------------------|
|  |                 |      |         |       |          |                            |
|  |                 |      |         |       |          |                            |
|  |                 |      |         |       |          |                            |
|  |                 |      |         |       |          |                            |

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

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## EXAMINER

## DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*Cited Art was transmitted by the International Bureau in Application No. PCT/US04/08007 filed March 16, 2004.

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